

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

February 16, 2006

Sarah Allison Thornton, Clerk
United States District Court
1 Courthouse Way
Boston, MA 02210

Re: Azubuko v. Eastern Bank
D. Mass. No. 06-cv-10177RGS

Dear Ms. Thornton:

Insofar as the enclosed submission from Chukwuma E. Azubuko could possibly be construed as a notice of appeal, it is forwarded to you pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and Rule 3.4, Third Circuit Local Appellate Rules. The document was received in this office on February 16, 2006.

By forwarding this document, we are not in any way suggesting that it should actually be construed as a notice of appeal or otherwise suggesting how it should be processed. Nor are we taking any position as to whether Mr. Azubuko, in light of the injunctive order of your Court, has the right to file a notice of appeal. Those determinations cannot be made by this Court.

Since the transfer of the above-entitled matter from the District of Delaware to your Court has been completed, Mr. Azubuko would have no right to appeal in this Circuit and no appeal from him will be accepted by this Court. In light of the transfer of the case, this Court has no authority whatsoever to intervene in regard to the dismissal of the action nor may it consider an appeal from the order of the District of Delaware transferring the case because the matter is no longer within this Circuit.

Thank you for your assistance in this matter.

Very truly yours,

Marcia M. Waldron, Clerk

By: /s/ Bradford A. Baldus
Bradford A. Baldus
Senior Legal Advisor to the Clerk

Enclosure

cc: Chukwuma E. Azubuko (w/out enclosure)

Peter T. Dalleo, Clerk (information only re: D. Del. No. 05-cv-31-SLR) ✓